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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/701,029

11/04/2003

Brian Grove

G&C 30074.50-US-U1

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08/03/2009

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EXAMINER

SHIFERAW, ELENI A

ART UNIT

PAPER NUMBER

2436

MAIL DATE

DELIVERY MODE

08/03/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/701,029	Applicant(s) GROVE ET AL.	
	Examiner ELENI A. SHIFERAW	Art Unit 2436	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34,36-49,51-64 and 66-78 is/are pending in the application.
- 4a) Of the above claim(s) 1-33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 34,36-49,51-64 and 66-78 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. In view of the Appeal Brief filed on 04/27/2009, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/Nasser G Moazzami/

Supervisory Patent Examiner, Art Unit 2436

2. Claims 1-34, 36-49, 51-64 and 66-78 are pending, claims 1-33 were withdrawn.

Response to Amendments/Argument

3. Applicant's arguments are fully considered and are persuasive. New ground of rejection (35 U.S.C. 112) is also presented herein.

4. The 101 rejection to claims 49 and 51-63 are withdrawn.

Claim Objections

5. Claim 46 is objected to: a claim should end with a “period” or “.”.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. Claims 34 and 49 recites the limitation “the token” in 3. There is insufficient antecedent basis for this limitation in the claim. Lines 5 and 9 of claim 34 and 49 also recite the same problem and should be corrected. Claims 38, 44, 45, 53, 59, 60, 64, 68, 74, and 75 are also rejected based on the same rational.

- In line 5 of claims 34 and 49 wherein “the host fingerprint F” lacks antecedent basis. Applicant is also reminded to correct claims 36, 37 51, 66, and 64 for the same reason.
- In lines 7-8 of claims 34 and 49 wherein “the fingerprint” lacks antecedent basis. Claims 46, 47, 48, 61, 76, 62, 77 and 64 are also recite "the fingerprint" The claims should be consistent and should not recite "the fingerprint" in one place and "the host finger print" in another. Appropriate correction is required.

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- In line 9 of claims 34, 49 and 64 wherein “identifier P” lacks antecedent basis. Correction to claim 64 is required as well.
9. Claims 36, 37, 51, 52, and 66-67 are rejected to: in line 2 wherein “host information” lack antecedent basis or should be changed to “said host information”.
10. Claims 37, 52 and 67 are rejected to: in line 2 wherein “a non-varying server specific value C” lacks antecedent basis or perhaps should be changed to “said non-varying server specific value C”.
11. Claim 44 is rejected to: in line 2 wherein “the authorizing entity” lacks antecedent basis.
12. Claim 45 is rejected to: in line 1 wherein “a memory” lacks antecedent basis. Perhaps “a memory of the hardware token” is the applicant intended to recite. Appropriate correction is corrected.
- In line 2 of claim 45 wherein “the steps” lacks antecedent basis or perhaps should be changed to “steps”.
13. Claims 48, 63, and 78 is rejected to: in line 2 wherein “a hash of the fingerprint F” lacks antecedent basis or perhaps should be changed to “said hash of ...”
14. Claim 52 is rejected to: in line 2 wherein “a server specific value V” lacks antecedent basis or perhaps should be changed to “said non-varying server specific value V”.
15. Claim 64 is rejected to: in line 4 wherein “a memory” lacks antecedent basis.

Allowable Subject Matter

16. Claims **34, 36-49, 51-64 and 78** would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

17. As allowable subject matter has been indicated for claims, **applicant's reply must either comply with all formal requirements or specifically traverse each requirement not complied with.** See 37 CFR 1.111(b) and MPEP § 707.07(a).

Conclusion

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ELEN I. SHIFERAW whose telephone number is (571)272-3867. The examiner can normally be reached on Mon-Fri 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser R. Moazzami can be reached on (571) 272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nasser G Moazzami/
Supervisory Patent Examiner, Art Unit 2436

/Eleni A Shiferaw/
Examiner, Art Unit 2436